

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00225-MR  
[CRIMINAL CASE NO. 1:08-cr-00082-MR-3]**

**DONALD GERARD O'LEARY,**

**Petitioner,**

**VS.**

**UNITED STATES OF AMERICA,**

**Respondent.**

## ORDER

**THIS MATTER** is before the Court on Petitioner’s “Motion/Request for Appointed Counsel and Motion/Request to Proceed with Consideration,” which the Court construes as a motion to vacate pursuant to 28 U.S.C. § 2255. [Doc. 1]. Petitioner seeks relief under Johnson v. United States, 135 S. Ct. 2551 (2015).

On November 17, 2015, the judges of this Court issued a Standing Order appointing the Federal Defenders of Western North Carolina to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant is eligible for relief under Johnson. Standing Order in re: Johnson v. United States, No. 3:13-mc-00196-FDW (W.D.N.C. Nov.

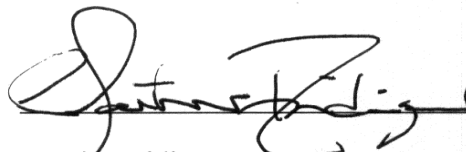
17, 2015). The Petitioner was previously determined to be indigent. As the Petitioner appears to fall within the purview of this Court's Standing Order, the Court will allow the Federal Defender thirty (30) days to review the Petitioner's case and to file a supplement, if any, to the Petitioner's motion to vacate.

**IT IS, THEREFORE, ORDERED** that no later than thirty (30) days from entry of this Order, the Federal Defenders of Western North Carolina may file a supplement to the Petitioner's motion to vacate.

The Clerk of Court is respectfully directed to provide a copy of this Order to the Petitioner and the Federal Defenders of Western North Carolina.

**IT IS SO ORDERED.**

Signed: July 4, 2016

  
Martin Reidinger  
United States District Judge

